



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

BHASKARAN *et al.*

Appl. No.: 10/743,295

Filed: December 23, 2003

**For: Polymer Conjugates of Cytokines,
Chemokines, Growth Factors,
Polypeptide Hormones and
Antagonists Thereof with Preserved
Receptor-Binding Activity**

Confirmation No.: 7998

Art Unit: 1647

Examiner: Woodward, Cherie M.

Atty. Docket: 2057.0060002

Reply to Restriction Requirement

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the Restriction Requirement dated **May 1, 2006**, requesting an election of one group to prosecute in the above-referenced patent application, Applicants hereby provisionally elect to prosecute Group II, represented by claims 38-76, drawn to a conjugate comprising a cytokine, chemokine, growth factor, or a polypeptide hormone, or an antagonist thereof, wherein one or more polymers are coupled to the amino-terminal amino acid, a pharmaceutical composition, and a kit. This election is made **with traverse**.

Although the Groups identified in the Restriction Requirement are alleged by the Examiner to be patentably distinct, they are directed to similar, overlapping subject matter. According to M.P.E.P. Section 803: "If the search and examination of an entire

application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.” M.P.E.P. § 803 at 800-4.

The subject matter of Groups I-V are clearly related as the groups are directed to processes of synthesizing polymer conjugates, the conjugates being made, and the method of preventing, diagnosing, or treating a physical disorder using the conjugates. Therefore, searching these groups together would not place a serious burden on the examiner within the meaning of M.P.E.P Section 803. For example, Groups I and II are clearly related as they are directed to methods of synthesizing conjugates of one or more synthetic water-soluble polymers with a cytokine, chemokine, growth factor, or a polypeptide hormone, or an antagonist thereof, and a conjugate comprising a cytokine, chemokine, growth factor or a polypeptide hormone or antagonist thereof coupled to one or more synthetic water soluble polymers, and pharmaceutical composition or a kit comprising said conjugates. In view of the comments presented above, Applicants respectfully request reconsideration of the restriction requirement, and that at least Groups I and II be examined together.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.


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Date: June 30, 2006

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